

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RES-NV CHLV, LLC,
 Plaintiff,

vs.

HARRY H. SHULL,
 Defendant.

Case No. 2:11-cv-00593-JCM-CWH

ORDER

This matter is before the Court on Plaintiff's Ex Parte Application for Judgment Debtor Examination (#19), filed December 13, 2012. Having secured a judgment in its favor for \$453,251.94, together with interest accruing at statutory rate from date of entry of judgment, Plaintiff requests an order requiring judgment debtor Harry Shull to: (1) appear and be examined under oath regarding all personal property and real property assets, and (2) bring any and all documents showing or referring to his assets and liabilities or transfers of assets made within the last 5 years.

Federal Rule of Civil Procedure 69 provides that the procedure regarding "proceedings supplementary and in aid of judgment or execution—must accord with the procedure of the state where the court is located." Federal Rule of Civil Procedure 69(a)(1). Rule 69 further provides that "[i]n aid of judgment or execution, the judgment creditor or a successor in interest whose interest appears of record may obtain discovery from any person—including the judgment debtor—as provided in these rules or by the procedure of the state where the court is located." Fed. R. Civ. P. 69(a)(2). The scope of post-judgment discovery is broad and the judgment-creditor is permitted to make a broad inquiry to discover any hidden or concealed assets of a judgment-debtor. *1st Technology, LLC v. Rational Enterprises, LTDA*, 2007 WL 5596692 *4 (D. Nev.) (citation omitted). Rule 69 permits a judgment creditor to obtain post-judgment discovery pursuant to the

1 procedures set forth in the Federal Rules of Civil Procedure or pursuant to state law. *Id.* Under
2 Nevada law:

3 A judgment creditor, at any time after the judgment is entered, is entitled to an
4 order from the court requiring the judgment debtor to appear and answer upon
oath or affirmation concerning his or her property, before:

5 (a) The judge or a master appointed by the judge; or

6 (b) An attorney representing the judgment creditor,

7 at a time and place specified in the order. No judgment debtor may be required to
8 appear outside the county in which the judgment debtor resides.

9 Nevada Revised Statutes (“NRS”) 21.270(1).

10 The Court agrees that the requested judgment-debtor exam is authorized under the
11 aforementioned law. The undersigned expresses no view regarding the several categories of
12 documents Plaintiff requests that the Judgment Debtor bring to the examination. Such requests
13 must conform to the Federal Rule or “the procedure of the state where the court is located.” Fed. R.
14 Civ. P. 69(a)(2); *see also Alcalde v. NAC Real Estate Investments & Assignments, Inc.*, 580 F.
15 Supp. 2d 969, 971 (C.D. Cal. 2008) (“The judgment creditor may also propound discovery to the
16 judgment debtor, including requests for production and/or inspection of documents.”).

17 Based on the foregoing and good cause appearing therefore,


18 **IT IS HEREBY ORDERED** that Plaintiff’s Ex Parte Application for Judgment Debtor
19 Examination (#19) is **granted**.

20 **IT IS FURTHER ORDERED** that Judgment Debtor Harry H. Shull shall appear and be
21 examined under oath on **February 20, 2013 at 10:00 AM** at the offices of Lionel Sawyer &
22 Collins, 300 South Fourth Street, Suite 1700, Las Vegas, Nevada 89101, to then and there answer
23 questions under oath regarding his assets and his means of paying the judgment in this matter and
24 for such other proceedings as there may occur consistent with proceedings supplementary to
25 execution.

26 **IT IS FURTHER ORDERED** that Judgment Debtor Harry H. Shull shall refrain from
27 effectuating any transfer of or interference with any of his property that is not exempt from
28 execution.

1 **IT IS FURTHER ORDERED** that a copy of this order shall be personally served upon the
2 judgment debtor at least **fourteen (14)** calendar days before the hearing scheduled herein and proof
3 of service filed with the Court. Failure to appear may subject the judgment debtor to punishment
4 for contempt of court.

5 DATED this 17th day of December, 2012.

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10 **C.W. Hoffman, Jr.**
11 **United States Magistrate Judge**
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